

**THURSDAY, APRIL 5, 2001**  
**TWENTY-FOURTH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Ray Douglas, First Baptist Church, Union City, Tennessee.

Representative Pinion led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative L. DeBerry; business reasons.

Representative Langster; illness.

Representative Roach; personal reasons.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 190:** Rep(s). Shepard as prime sponsor(s).

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**House Bill No. 693:** Rep(s). Bittle and Sharp as prime sponsor(s).

**House Bill No. 861:** Rep(s). Bowers, Beavers and Black as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Black was/were removed as sponsor(s) of **House Bill No. 1512**.

**MESSAGE FROM THE SENATE**

**April 3, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 79, 81, 84, 94, 129, 1099, 1676, 1790; also, Senate Joint Resolution(s) No(s). 112, 132, 133 and 136 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**April 3, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 79, 81, 84, 94, 129, 1099, 1676, 1790; also, Senate Joint Resolution(s) No(s). 112, 132, 133 and 136.

**ENROLLED BILLS**

**April 3, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 549, 1254, 1380, 1976; also, House Joint Resolution(s) No(s). 88, 102, 134, 146, 148, 149, 150, 152, 153, 154, 155, 156, 157 and 179.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 3, 2001**

The Speaker signed the following: House Bill(s) No(s). 549, 1254, 1380, 1976; also, House Joint Resolution(s) No(s). 88, 102, 134, 146, 148, 149, 150, 152, 153, 154, 155, 156, 157 and 179.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 3, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 549, 1254, 1380, 1976; also, House Joint Resolution(s) No(s). 88, 102, 134, 146, 148, 149, 150, 152, 153, 154, 155, 156, 157 and 179; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 3, 2001**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 549, 1254, 1380, 1976; also, House Joint Resolution(s) No(s). 88, 102, 134, 146, 148, 149, 150, 152, 153, 154, 155, 156, 157 and 179.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 4, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 717, 946, 1124, 1361, 1394, 1966, 1970, also, House Joint Resolution(s) No(s). 150 and 179; with his approval.

JAMES C. FLOYD, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 157; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 157** -- Naming and Designating - Honors Ms. Drue Smith and names Press Room in Legislative Plaza "Drue Smith Press Suite.". by \*Cohen, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, \*Cohen.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 130; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 159 and 160; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 159** -- Naming and Designating - May 2001, "Jaycees Against Youth Smoking Month". by \*Williams, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 160** -- Memorials, Recognition - Dover Downs Entertainment, Inc. by \*Rochelle, \*Trail.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1352.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 142, 143, 144, 145, 146, 147 and 150; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 142** -- Memorials, Public Service - Dan and Frances Marcum, contributions to City of Tullahoma and Motlow State Community College. by \*Cooper J, \*Trail.

**Senate Joint Resolution No. 143** -- Memorials, Personal Occasion - Veronica Victoria Green, birth. by \*Rochelle.

**Senate Joint Resolution No. 144** -- Memorials, Professional Achievement - Neal Ozeki, President of DENSO Manufacturing Tennessee, Inc. by \*Clabough, \*Elsea.

**Senate Joint Resolution No. 145** -- Memorials, Sports - Jackson County High School girls' basketball team, 2000-2001 TSSAA Class AA state champion. by \*Burks.

**Senate Joint Resolution No. 146** -- Memorials, Sports - Tennessee Technological University, OVC Men's and Women's Basketball Champions. by \*Burks, \*Kyle, \*Davis L.

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**Senate Joint Resolution No. 147** -- Memorials, Public Service - Bill C. Houston, Commissioner of Financial Institutions. by \*Cooper J, \*Henry, \*Dixon, \*McNally.

**Senate Joint Resolution No. 150** -- Memorials, Recognition - Steve Nelson and WETB-AM. by \*Crowe.

### **RESOLUTIONS REFERRED**

**April 3, 2001**

Pursuant to **Rule No. 44**, the following resolution(s) was/were referred to the following Committee(s):

**\*House Joint Resolution No. 196** -- Highway Signs - "Jake Morris Bridge," U.S. Highway 64 in Wayne County. by \*Tidwell.

House Transportation Committee

### **INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced:

**\*House Joint Resolution No. 196** -- Highway Signs - "Jake Morris Bridge," U.S. Highway 64 in Wayne County. by \*Tidwell.

Previously referred to the House Transportation Committee

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 9, 2001:

**House Resolution No. 42** -- Memorials, Recognition - Edward Dixon, Speaker, 2001 Cooper-Jones Economic and Education Martin Luther King Commemorative Summit in Memphis. by \*Cooper B, \*Jones U (Shelby), \*Brooks.

**House Resolution No. 43** -- Memorials, Recognition - Sir Arlington G. Butler, Speaker, 2001 Cooper-Jones Economic and Education Martin Luther King Commemorative Summit in Memphis. by \*Cooper B, \*Jones U (Shelby), \*Brooks.

**House Resolution No. 44** -- Memorials, Recognition - Rev. Anthony D. Henderson. by \*Brooks, \*Cooper B.

**House Resolution No. 45** -- Memorials, Recognition - Harlington L. Hanna, Jr., Speaker, 2001 Cooper-Jones Economic and Education Martin Luther King Commemorative Summit in Memphis. by \*Cooper B.

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**House Resolution No. 46** -- Memorials, Recognition - Toni R. Greer, Speaker, 2001 Cooper-Jones Economic & Education Martin Luther King Commemorative Summit in Memphis. by \*Cooper B.

**House Resolution No. 47** -- Memorials, Recognition - Clifford Black, educator and motivational speaker. by \*Jones U (Shelby), \*Cooper B.

**House Resolution No. 48** -- Memorials, Personal Achievement - Leann Smalley. by \*Bunch.

**House Resolution No. 50** -- Memorials, Personal Occasion - Mr. and Mrs. James Stewart, fiftieth wedding anniversary. by \*Patton.

**House Joint Resolution No. 198** -- Memorials, Death - Howard Loveday. by \*McCord, \*Overbey.

**House Joint Resolution No. 197** -- Memorials, Retirement - James B. Boyd. by \*Sands.

**House Joint Resolution No. 199** -- Memorials, Recognition - Coleman Smith. by \*Rinks.

**House Joint Resolution No. 200** -- Memorials, Academic Achievement - Tamara Ward, Salutatorian, Stony Fork High School. by \*Baird.

**House Joint Resolution No. 201** -- Memorials, Academic Achievement - Louis David Carroll, Valedictorian, Stony Fork High School. by \*Baird.

**House Joint Resolution No. 202** -- Memorials, Retirement - Miss Virginia J. Ballard. by \*Bittle.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 9, 2001:

**Senate Joint Resolution No. 160** -- Memorials, Recognition - Dover Downs Entertainment, Inc. by \*Rochelle, \*Trail.

**Senate Joint Resolution No. 142** -- Memorials, Public Service - Dan and Frances Marcum, contributions to City of Tullahoma and Motlow State Community College. by \*Cooper J, \*Trail.

**Senate Joint Resolution No. 143** -- Memorials, Personal Occasion - Veronica Victoria Green, birth. by \*Rochelle.

**Senate Joint Resolution No. 144** -- Memorials, Professional Achievement - Neal Ozeki, President of DENSO Manufacturing Tennessee, Inc. by \*Clabough, \*Elsa.

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**Senate Joint Resolution No. 145** -- Memorials, Sports - Jackson County High School girls' basketball team, 2000-2001 TSSAA Class AA state champion. by \*Burks.

**Senate Joint Resolution No. 146** -- Memorials, Sports - Tennessee Technological University, OVC Men's and Women's Basketball Champions. by \*Burks, \*Kyle, \*Davis L.

**Senate Joint Resolution No. 147** -- Memorials, Public Service - Bill C. Houston, Commissioner of Financial Institutions. by \*Cooper J, \*Henry, \*Dixon, \*McNally.

**Senate Joint Resolution No. 150** -- Memorials, Recognition - Steve Nelson and WETB-AM. by \*Crowe.

### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1989** -- Collierville - Subject to local approval, revises and reenacts charter of Collierville. Amends Chapter 230 of the Private Acts of 1988, as amended. by \*Scroggs, \*Todd.

### DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1991, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 1991** -- Appropriations - Creates continuing appropriations to service debt for state funding board, state school bond authority, local development authority, housing development agency, and public higher education entities. Amends TCA Title 9. by \*Kisber.

### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 48** -- Sunset Laws - Air pollution control board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201. by \*Harper. (HB942 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 57** -- Sunset Laws - Tennessee municipal solid waste advisory committee, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 211. by \*Harper. (HB950 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 104** -- Sunset Laws - Water quality control board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by \*Harper. (HB979 by \*Kernell, \*Brooks, \*Cooper B)

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**\*Senate Bill No. 273** -- Workers' Compensation - Requires person with authority to enter into settlement agreement attend benefit review conference for both employee and employer or employer's insurer. Amends TCA Title 50, Chapter 6. by \*Haynes. (HB771 by \*Briley)

**\*Senate Bill No. 486** -- School Transportation - Requires school bus to stop at all railroad grade crossings whether or not carrying school child instead of only when carrying school child. Amends TCA Section 55-8-147. by \*Haun. (HB751 by \*Davis (Washington))

**Senate Bill No. 1889** -- Environment and Conservation, Department of - Establishes voluntary cleanup oversight and assistance program; creates Notice of Land Use Restrictions; authorizes commissioner to make loans. - TCA Title 68, Chapter 212, Part 2. by \*Ramsey, \*Fowler, \*Cooper J, \*Norris, \*Williams. (\*HB1916 by \*McCord)

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1986** -- Friendsville -- Local Bill Held on House Desk

### REPORTS FROM STANDING COMMITTEES

The committees that met on **April 3, 2001**, reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 5, 2001**: House Bill(s) No(s). 1200, 1784, 1735, 1852, 693, 1037, 1874, 849, 1367, 1352, 1855, 861, 1697, 682, 288, House Joint Resolution(s) No(s). 72 and Senate Joint Resolution(s) No(s). 85.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 9, 2001**: House Bill(s) No(s). 1657, 1823, 574, 181, 1469.

#### AGRICULTURE

The Agriculture Committee recommended for passage: House Bill(s) No(s). 314; also House Bill(s) No(s). 807 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### CHILDREN AND FAMILY AFFAIRS

The Children and Family Affairs Committee recommended for passage: House Bill(s) No(s). 1136 and 818 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.



## COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 1360, 294, 258, 1270, 246; also House Bill(s) No(s). 850 and 1306 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1363 and 1054; also House Bill(s) No(s). 1513 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 465, also House Bill(s) No(s). 1372 and 704 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 602 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1207, 1532, 680, 747, 1704, 279, 1369, 1386, 1373, 616, 1458, 1742, also House Bill(s) No(s). 913 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 958, 956, also House Bill(s) No(s). 1622 and 962 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommended that House Bill(s) No(s). 270 be transmitted to the Commerce Committee and House Bill(s) No(s). 301 be transmitted to the Judiciary Committee.

## HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1242 and 1193; also House Bill(s) No(s). 511 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1732, 1826, 1680, 790, 1703, also House Bill(s) No(s). 1506 and 1292 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

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It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 131; also House Bill(s) No(s). 1731 and 571 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 4, 2001**, reported the following:

#### **CONSERVATION AND ENVIRONMENT**

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1374, 262 and 1173 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1500 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### **JUDICIARY**

The Judiciary Committee recommended for passage: House Bill(s) No(s). 143, 986, 1775, also House Bill(s) No(s). 1815 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 711 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### **TRANSPORTATION**

The Transportation Committee recommended for passage: Senate Joint Resolution(s) No(s). 141. Under the rules, each was transmitted to the Calendar and Rules Committee.

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 5, 2001**, reported the following:

#### **COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 9, 2001**: House Bill(s) No(s). 1161, 1532, 804, 1573, 1588, 1592, 294, 1306, 704, 789, 1543, 129, 463 and 1207.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 9, 2001**: House Bill(s) No(s). 190, 258, 783, Senate Joint Resolution(s) No(s). 79, House Bill(s) No(s). 464, 1358, Senate Joint Resolution(s) No(s). 131, House Bill(s) No(s). 751, 465 and Senate Joint Resolution(s) No(s). 141.

**CAPTION BILLS REFERRED**

**April 3, 2001**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 674 held on the Clerk's desk were referred to the following Committee(s):

**\*House Bill No. 674** -- Campaigns and Campaign Finance – House State and Local Government Committee

**CAPTION BILLS REFERRED**

**April 4, 2001**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 103, 1081, 1107 and 1204 held on the Clerk's desk were referred to the following Committee(s):

**\*House Bill No. 103** -- Arbitration – House Judiciary Committee

**\*House Bill No. 1081** -- Law Enforcement - House Judiciary Committee

**House Bill No. 1107** -- Health, Dept. of – House Health and Human Resources Committee

**House Bill No. 1204** -- Motor Vehicles - House Judiciary Committee

**CONSENT CALENDAR**

**House Resolution No. 41** -- Memorials, Retirement - Eddie Bilbrey. by \*Ferguson.

**House Joint Resolution No. 187** -- Memorials, Recognition - John David Thomas. by \*DeBerry J.

**House Joint Resolution No. 190** -- Memorials, Personal Achievement - Ray Sinor. by \*Turner (Hamilton).

**House Joint Resolution No. 192** -- Memorials, Academic Achievement - Tracy A. England, Valedictorian, Claiborne County High School. by \*Goins.

**House Joint Resolution No. 193** -- Memorials, Academic Achievement - Carrie Surber, Salutatorian, Forge Ridge High School. by \*Goins.

**House Joint Resolution No. 194** -- Memorials, Academic Achievement - Melissa Brandon, Salutatorian, Claiborne County High School. by \*Goins.

**House Joint Resolution No. 195** -- Memorials, Academic Achievement - Dustin Brown, Valedictorian, Forge Ridge High School. by \*Goins.

**Senate Joint Resolution No. 154** -- Memorials, Recognition - Kenneth "Pete" Springer Memorial Foundation. by \*Crutchfield.

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**Senate Joint Resolution No. 152** -- Memorials, Recognition - Coal Creek Mark the Trail Day and history of Coal Creek Watershed. by \*McNally.

**Senate Joint Resolution No. 138** -- Memorials, Death - Mary Jane Werthan. by \*Henry, \*Haynes, \*Rochelle, \*Cohen.

**Senate Joint Resolution No. 139** -- Memorials, Recognition - Nuclear Fuel Services, Inc. by \*Crowe, \*Haun.

Rep. Turner (Hamilton) moved that all members voting aye on House Joint Resolution No. 190 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry, J. Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Pruitt -- 1.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**\*House Bill No. 1352** -- Alcoholic Beverage Commission - Increases maximum civil penalties commission authorized to assess. by \*Kent. (SB1629 by \*Haun)

On motion, House Bill No. 1352 was made to conform with **Senate Bill No. 1629**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 1629 be passed on third and final consideration.

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On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 1629** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1855** -- Alcoholic Beverages - Clarifies that commercial airline and passenger train licensing provisions do not apply to first five commercial airline travel clubs of each airline at each airport instead of all such clubs. Amends TCA Section 57-4-101; Section 57-4-102 and Section 57-4-301. by \*Kent. (SB1858 by \*Cohen)

On motion, House Bill No. 1855 was made to conform with **Senate Bill No. 1858**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 1858 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 1858** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	4

## THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Goins, Sharp, Vincent, Wood -- 4.

A motion to reconsider was tabled.

**\*House Bill No. 407** -- Solid Waste Disposal - Exempts from liability for violation of solid waste disposal requirements person whose interest in solid waste site is limited to security interest. Amends TCA Title 68, Chapter 211. by \*Bunch. (SB1030 by \*Ramsey)

Further consideration of House Bill No. 407 previously considered on March 22, 2001 and March 29, 2001, at which time the House adopted Amendment(s) No(s). 1 and 2 and reset the bill for today's Calendar.

Rep. Bunch moved that House Bill No. 407 be reset for the Regular Calendar on April 12, 2001, which motion prevailed.

**House Bill No. 1202** -- Bail, Bail Bonds - Redefines "unprofessional conduct" to include solicitation of business in any place where prisoners are confined or on any property used by sheriff's department to collect monies from previous bonds. Amends TCA Section 40-11-126. by \*Buck. (\*SB525 by \*Williams)

Further consideration of House Bill No. 1202 previously considered on March 29, 2001, at which time the House adopted Amendment(s) No(s). 1 and reset the bill for today's Calendar.

Rep. Buck moved that House Bill No. 1202 be reset for the Regular Calendar on April 11, 2001, which motion prevailed.

**\*Senate Bill No. 177** -- Domestic Violence - Clarifies that victim does not include person adjudged to be primary aggressor by law enforcement officer. Amends TCA Title 36, Chapter 3, Part 6. by \*Fowler. (HB394 by \*Chumney, \*Turner (Hamilton))

Further consideration of Senate Bill No. 177 previously considered on March 22, 2001 and March 26, 2001, at which time the Senate Bill was substituted for the House Bill, the House withdrew Amendment(s) No(s). 1. The bill was also considered on March 29, 2001.

Rep. Chumney requested that Senate Bill No. 177 be moved to the heel of the Calendar.

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

**\*Senate Bill No. 1547** -- Gas, Petroleum Products, Volatile Oils - Modifies certain statutory provisions pertaining to petroleum fair trade practices. Amends TCA Title 47, Chapter 25. by \*Kyle. (HB1512 by \*Sargent, \*Black, \*Fraleigh)

Further consideration of Senate Bill No. 1547 previously considered on April 2, 2001, at which time the Senate Bill was substituted for the House Bill, the House withdrew Amendment(s) No(s). 1 and 2, and was on the motion to adopt Amendment (s) No(s). 3 when the bill was reset for today's Calendar.

Rep. Sargent moved that Senate Bill No. 1547 be passed on third and final consideration.

Rep. Buck requested that Amendment No. 3 be placed behind Amendment No. 4.

Rep. Buck moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 1547 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 47-25-611, is amended by deleting from the first sentence of subsection (d)(1) the words "Any person" and substituting instead the words "Any three (3) or more competitors".

On motion, Amendment No. 4 was adopted.

Rep. Buck requested that Amendment No. 3 be placed at the heel of the Amendments.

Rep. Buck moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Miller moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 1547 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. By January 31, 2002, the division of consumer affairs, in consultation with the administrative office of the courts and the office of the attorney general, shall file a report with the clerk of each house on the effects the provisions of this act have had on both the petroleum product dealer and the consumer. Such report shall compare retail petroleum prices before and after the effective date of the act and during the course of the next year as well as the number of lawsuits that have been filed by independent petroleum retailers pursuant to this act.

On motion, Amendment No. 6 was adopted.

Rep. Sargent moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Buck moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Buck moved adoption of Amendment No. 8 as follows:

**Amendment No. 8**

AMEND Senate Bill No. 1547 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 47-25-611, is amended by adding the following new subpart to subsection (d):

( ) No plaintiffs as defined herein may recover damages pursuant to this subsection unless it is proven by clear and convincing evidence that the below cost sale was made with the specific intent of adversely affecting them.

Rep. Sargent moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes .....	55
Noes .....	34
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Boyer, Briley, Brooks, Bunch, Buttry, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, Ferguson, Ford, Fraley, Godsey, Hagood, Hargrove, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Overbey, Phelan, Phillips, Pinion, Rhinehart, Rinks, Rowland, Sands, Sargent, Tindell, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Beavers, Black, Bone, Bowers, Brown, Buck, Caldwell, Davidson, Dunn, Fitzhugh, Fowlkes, Givens, Harwell, Jones S, Lewis, Newton, Odom, Pleasant, Pruitt, Ridgeway, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, Wood -- 34.

Representatives present and not voting were: Patton -- 1.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Sargent moved that **Senate Bill No. 1547**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	66
Noes .....	24
Present and not voting .....	4



## THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Baird, Bittle, Black, Bone, Boyer, Briley, Bunch, Buttry, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargrove, Head, Hood, Johnson, Jones U, Kent, Kernell, Lewis, Maddox, McCord, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rinks, Sands, Sargent, Scroggs, Shaw, Shepard, Tindell, Turner (Hamilton), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Arriola, Beavers, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Clem, Hargett, Harwell, Jones S, Odom, Ridgeway, Rowland, Sharp, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Wood -- 4.

Representatives present and not voting were: Kisber, McKee, Pleasant, Williams -- 4.

A motion to reconsider was tabled.

**House Joint Resolution No. 182** -- Memorials, Personal Achievement - Michelle Fortner, Tennessee's Junior Miss 2001. by \*Black.

Further consideration of House Joint Resolution No. 182 previously considered on April 2, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Black moved that House Joint Resolution No. 182 be held on the Clerk's desk, which motion prevailed.

### RECOGNITION IN THE WELL

Rep. Kisber was recognized in the Well to introduce Ms. Drue Smith.

### RULES SUSPENDED

Rep. Kisber moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 157 out of order, which motion prevailed.

**Senate Joint Resolution No. 157** -- Naming and Designating - Honors Ms. Drue Smith and names Press Room in Legislative Plaza "Drue Smith Press Suite.". by \*Cohen, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

On motion of Rep. Kisber, with the request that all members voting aye be added as sponsors, the resolution was concurred in by the following vote:

Ayes .....96  
Noes .....0

## THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

### CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

### REGULAR CALENDAR, CONTINUED

**\*Senate Joint Resolution No. 35** -- Memorials, Congress - Urges congressional delegation to assist state in obtaining federal Section 5309 funding for bus and capital improvement projects and rail projects. by \*Haun.

Further consideration of Senate Joint Resolution No. 35 previously considered on April 2, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Ridgeway moved that Senate Joint Resolution No. 35 be concurred in.

Rep. West moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McDonald moved the previous question, which motion prevailed.

Rep. Ridgeway moved that **Senate Joint Resolution No. 35** be concurred in, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0
Present and not voting .....	3

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Vincent, Walker, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Briley, Turner (Davidson), West -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 1367** -- Real Estate Agents and Brokers - Allows nonresident properly licensed in another state to receive temporary real estate appraiser permit. Amends TCA Section 62-39-338, by \*Walker, \*Ford S. (SB1644 by \*Atchley, \*Clabough)

On motion, House Bill No. 1367 was made to conform with **Senate Bill No. 1644**; the Senate Bill was substituted for the House Bill.

Rep. Walker moved that **Senate Bill No. 1644** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1200** -- Election Laws - Revises certain qualifying deadlines for candidates in elections for county office. Amends TCA Section 2-5-101, by \*Armstrong. (\*SB818 by \*Davis L)

Rep. Armstrong requested that House Bill No. 1200 be moved down 3 places on the Calendar.

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

**House Bill No. 1784** -- Alcoholic Beverages - Requires bed and breakfast establishments in Shelby County seeking licensure to serve alcoholic beverages to have two rooms for sleeping accommodations, instead of six rooms for sleeping accommodations. Amends TCA Section 57-4-102(14)(F). by \*Jones U (Shelby). (\*SB1775 by \*Cohen)

On motion, House Bill No. 1784 was made to conform with **Senate Bill No. 1775**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that Senate Bill No. 1775 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1775 by renumbering Section 2 of the bill as Section 4. By inserting a new Section 2 to the bill as follows:

SECTION 2. Tennessee Code Annotated, Section 57-4-102(14)(F)(ii), is amended by inserting "(i)" after the words, figures and punctuation "subdivision (14)(F)" where they appear in that sub-item.

AND FURTHER AMEND By inserting a new Section 3 to the bill as follows:

SECTION 3. Tennessee Code Annotated, Section 57-4-102(F)(14), is further amended by adding thereto the following new subdivision (iii) as follows:

(iii) "Hotel" also includes a facility located in a county which contains a population of not less than eighty five thousand nine hundred (85,900) nor more than eighty six thousand one hundred sixty (86,160) according to the 1990 federal census or any subsequent census, which facility contains the following characteristics:

(a) Contains at least forty (40) rooms for guest sleeping accommodations offered for adequate pay to travelers and guests;

(b) Contains at least three (3) separate dining rooms with adequate sanitary kitchen facilities, either common or separate, where meals are regularly served to guests;

(c) Is located on real property of at least 1,050 acres;

(d) Contains a swimming pool, at least four (4) tennis courts, hiking trails, and biking trails for use by registered guests; and

(e) Provides a full service spa for use by registered guests of the facility.

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

A hotel under this subdivision (F)(14)(iii) must comply with all requirements of this chapter and shall be subject to the restrictions imposed upon licenses other than §57-4-103.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. U. Jones moved that **Senate Bill No. 1775**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	68
Noes .....	19

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), Fitzhugh, Fraley, Givens, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Sands, Sargent, Scroggs, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), West, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Baird, Beavers, Dunn, Ferguson, Ford, Fowlkes, Goins, Hood, McDaniel, McDonald, Overbey, Patton, Rhinehart, Ridgeway, Rowland, Sharp, Vincent, Windle, Wood -- 19.

A motion to reconsider was tabled.

**House Bill No. 1735** -- Alcoholic Beverages - Authorizes country club located on historic property in Hawkins County to serve alcoholic beverages for consumption on premises. Amends TCA Title 57, Chapter 4. by \*Givens. (\*SB1831 by \*Cooper J)

Rep. Givens moved that House Bill No. 1735 be passed on third and final consideration.

Rep. Givens moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1735 by deleting Section 3 in its entirety and by substituting instead the following:

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Givens moved that **House Bill No. 1735**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	73
Noes .....	16

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Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), Fitzhugh, Fraley, Givens, Hagood, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Rowland, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Baird, Beavers, Dunn, Ferguson, Ford, Fowlkes, Goins, Hood, Maddox, McDaniel, Rhinehart, Ridgeway, Sharp, Vincent, Windle, Wood -- 16.

A motion to reconsider was tabled.

**\*House Bill No. 1852** -- Alcoholic Beverages - Authorizes historic inn built in 1824 and located in Hawkins County to serve wine for consumption on premises. by \*Givens. (SB1901 by \*Cooper J)

Rep. Givens moved that House Bill No. 1852 be passed on third and final consideration.

Rep. Givens moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1852 by deleting Section 3 in its entirety and by substituting instead the following:

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Givens moved that **House Bill No. 1852**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	75
Noes .....	16

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), Fitzhugh, Fowlkes, Fraley, Givens, Hagood, Hargrove, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, McCord, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Baird, Beavers, Dunn, Ferguson, Ford, Goins, Harwell, Hood, Maddox, McDaniel, McDonald, Pinion, Sharp, Vincent, Windle, Wood -- 16.

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

A motion to reconsider was tabled.

**House Bill No. 1200** -- Election Laws - Revises certain qualifying deadlines for candidates in elections for county office. Amends TCA Section 2-5-101. by \*Armstrong. (\*SB818 by \*Davis L)

Further consideration of House Bill No. 1200 previously considered on today's Calendar.

On motion, House Bill No. 1200 was moved to the heel of the Calendar.

**\*House Bill No. 693** -- Game and Fish Laws - Requires owners or tenants of farmlands claiming exemption from hunting and fishing licensure on such lands to submit signed statement, instead of sworn affidavit, at time of presenting fish or game to wildlife officer or check station; deletes requirement that wildlife resources commission promulgate rules specifying form of identification and information to be included in affidavit submitted by persons claiming such exemption. Amends TCA Section 70-2-204. by \*Givens, \*Roach, \*Walker . (SB837 by \*Ramsey, \*Williams, \*Crowe, \*Burks)

On motion, House Bill No. 693 was made to conform with **Senate Bill No. 837**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that Senate Bill No. 837 be passed on third and final consideration.

On motion, Rep. Odom withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Givens requested that Senate Bill No. 837 be moved down 3 places on the Calendar.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1037** -- Gas, Petroleum Products, Volatile Oils - Allows gas customers to purchase propane gas from another municipality, utility district, or gas company if such customer's municipality or utility district depletes its gas supply. Amends TCA Title 7 and Title 65, Chapter 26. by \*Winningham. (\*SB282 by \*Davis L)

Rep. Winningham moved that **House Bill No. 1037** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....94  
Noes .....0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 72** -- Memorials, Government Officials - Urges Long Term Care Services Planning Council to amend proposed Home and Community Based Services waiver to increase individual spending average to \$15,000 and to expand range of services funded by waiver. by \*Odom, \*Turner (Davidson).

Rep. Odom moved that House Joint Resolution No. 72 be adopted.

Rep. Armstrong moved adoption of Amendment No. 1 as follows:

### **Amendment No. 1**

AMEND House Joint Resolution No. 72 by deleting the first resolving clause in its entirety and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Long-Term Care Services Planning Council is hereby urged and encouraged to amend the waiver proposal to include an individual spending average of not less than twelve thousand dollars, which would be only forty percent of the average nursing home cost, with the understanding that the program would then offer a real option to nursing home institutionalization to approximately two thousand five hundred elderly, or disabled, eligible individuals.

AND FURTHER AMEND by deleting the second resolving clause in its entirety and substituting instead the following:

BE IT FURTHER RESOLVED, That the Planning Council is hereby urged and encouraged to include in the waiver proposal a broader range of HCBS services, including case management, personal care, homemaker services, home delivered meals, personal emergency response systems, minor home modifications, respite services, adult day care, assisted living, assisted transportation services, assistive technologies, and medical equipment and supplies.

On motion, Amendment No. 1 was adopted.



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Rep. Cole (Carter) moved that House Joint Resolution No. 72 be re-referred to the Budget Subcommittee of the Finance, Ways and Means Committee.

Rep. Odom moved that the motion to re-refer House Joint Resolution No. 72 to the Budget Subcommittee of the Finance, Ways and Means Committee be tabled, which motion prevailed by the following vote:

Ayes .....	45
Noes .....	38

Representatives voting aye were: Armstrong, Arriola, Beavers, Black, Bone, Bowers, Briley, Brooks, Brown, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Ferguson, Fitzhugh, Fraley, Givens, Harwell, Jones S, Kernell, Lewis, Maddox, McDonald, Odom, Phillips, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sharp, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams, Windle, Winningham – 45.

Representatives voting no were: Baird, Bittle, Boyer, Buck, Bunch, Buttry, Clem, Cole (Carter), Ford, Fowlkes, Goins, Hagood, Head, Hood, Johnson, Kent, Kisber, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Overbey, Patton, Phelan, Pinion, Pleasant, Sargent, Scroggs, Shaw, Todd, Turner (Davidson), Vincent, Westmoreland, Whitson, Wood, Mr. Speaker Naifeh – 38.

Rep. Turner (Davidson) moved the previous question, which motion prevailed by the following vote:

Ayes .....	58
Noes .....	27
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Briley, Brooks, Buck, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davidson, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Goins, Hargett, Hargrove, Head, Hood, Johnson, Jones S, Kent, Kisber, Maddox, McDonald, McMillan, Miller, Mumpower, Overbey, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Rowland, Sands, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), West, White, Whitson, Williams, Windle, Winningham – 58.

Representatives voting no were: Bittle, Boyer, Brown, Buttry, Clem, Curtiss, Davis (Washington), Dunn, Ford, Hagood, Harwell, Jones U, Lewis, McCord, McDaniel, McKee, Montgomery, Newton, Patton, Rhinehart, Sargent, Scroggs, Turner (Shelby), Vincent, Walker, Westmoreland, Wood – 27.

Representatives present and not voting were: Kernell, Stanley – 2.

Rep. Odom moved that **House Joint Resolution No. 72**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....	82
Noes .....	7
Present and not voting .....	5

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Boyer, Ford, McDaniel, Montgomery, Rhinehart, Vincent, Walker -- 7.

Representatives present and not voting were: Bunch, Davis (Washington), Godsey, Patton, Stanley -- 5.

A motion to reconsider was tabled.

**House Bill No. 1874** -- Election Laws - Requires county election commission to provide central voting location as option for registered voters of county who have changed residence to new address within county of registration but outside such voter's former voting precinct and who originally went to incorrect polling place. Amends TCA Section 2-7-140. by \*Cole (Dyer). (\*SB1860 by \*Burchett)

Rep. Cole (Dyer) moved that House Bill No. 1874 be reset for the Regular Calendar on April 19, 2001, which motion prevailed.

**Senate Bill No. 837** -- Game and Fish Laws - Requires owners or tenants of farmlands claiming exemption from hunting and fishing licensure on such lands to submit signed statement, instead of sworn affidavit, at time of presenting fish or game to wildlife officer or check station; deletes requirement that wildlife recourses commission promulgate rules specifying form of identification and information to be included in affidavit submitted by persons claiming such exemption. Amends TCA Section 70-2-204. by \*Ramsey, \*Williams, \*Crowe, \*Burks. (\*HB693 by \*Givens, \*Roach, \*Walker )

Further consideration of Senate Bill No. 837 previously considered on today's Calendar at with time the Senate Bill was substituted for the House Bill and the House withdrew Amendment(s) No(s). 1.

Rep. Givens moved that **Senate Bill No. 837** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 849** -- Surveyors - Revises terms of surveyors licenses from one year to two years; requires notification of renewal of licenses to be at least 60 days rather than one month; authorizes change of address to be given to board by e-mail. Amends TCA Title 62 and Title 66. by \*Boyer. (\*SB1285 by \*Clabough)

On motion, House Bill No. 849 was made to conform with **Senate Bill No. 1285**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that **Senate Bill No. 1285** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 85** -- General Assembly, Confirmation of Appointment - Michael Bruce Gaw, Wildlife Resources Commission. by \*Burks, \*Davis L, \*Dixon.

Rep. Hargrove moved that **Senate Joint Resolution No. 85** be concurred in, which motion prevailed by the following vote:

Ayes .....94  
 Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 861** -- Consumer Protection - Requires automobile repair facility to obtain written consent of consumer prior to charging more than 10 percent in excess of original estimate for repairs. Amends TCA Title 47, Chapter 18; Title 55, Chapter 24 and Title 66, Chapter 19. by \*Patton. (\*SB1470 by \*Haun)

Rep. Patton moved that House Bill No. 861 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

# **Amendment No. 1**

AMEND House Bill No. 861 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 19, Part 1, is amended by adding the following as a new section:

66-19-104.

(a) Before beginning any repair work on a motor vehicle, an automotive repair facility shall inform the consumer for whom the repairs are to be done of the following rights:

(1) That a consumer:

(A) May request a written estimate for repairs that cost in excess of two hundred fifty dollars (\$250.00); and

(B) May not be charged an amount over twenty-five percent (25%) in excess of the written estimate without the consumer's consent or good faith attempt to acquire the consent; and

(2) That repairs not originally authorized by the consumer may not be charged to the consumer without the consumer's consent unless a repair facility makes a good faith attempt to acquire the consent prior to providing additional repairs. A good faith attempt shall entail at least an attempted telephone call to the consumer.

(b) The consumer's rights provided in subsection (a) shall be:

(1) Displayed immediately before the space for the signature of the consumer conspicuously in easily readable type;

(2) Physically separated from the other terms of the form used for authorization of repairs; and

(3) Listed under the printed heading "Consumer's Rights".

(c)

(1) If any automotive repair facility informs a consumer orally of the consumer's rights, the facility shall record in writing:

(A) The name of the persons who were notified or attempted to notify;

(B) The date and time of the notification or attempt and;

(C) The signature of the person who made the notification or attempted notification.

SECTION 2. Failure to comply with Section 1 shall abrogate the repair facility's rights under Tennessee Code Annotated Section 66-19-103.

SECTION 3. Nothing in this act shall apply to any person or entity licensed under Title 55, Chapter 17.

SECTION 4. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

Rep. Patton moved that **House Bill No. 861**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....94  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 94.

A motion to reconsider was tabled.

**House Bill No. 1697** -- Election Laws - Clarifies when ballot may be counted; establishes guidelines for counting ballot in counties using punch card type voting system. Amends TCA Title 2, by \*McKee. (\*SB1796 by \*Burchett)

Rep. McKee moved that House Bill No. 1697 be reset for the Regular Calendar on April 11, 2001, which motion prevailed.

**\*House Bill No. 682** -- Hospitals and Health Care Facilities - Adds hospitals regulated under Tennessee medical laboratory statute to entities currently authorized to host screening programs under medical laboratory statute. Amends TCA Section 68-29-104, by \*Hargett. (SB1363 by \*Jackson)

Rep. Hargett moved that **House Bill No. 682** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes .....1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

Representatives voting no were: Godsey -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 288** -- Sheriffs - Clarifies that diploma from college that requires high school education as prerequisite to admission is sufficient proof of being high school graduate or its equivalent for purpose of being qualified for office of sheriff. Amends TCA Title 8, Chapter 8 and Title 38, Chapter 8. by \*Hargett. (SB1442 by \*Person)

Rep. Hargett moved that **House Bill No. 288** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....95  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*Senate Bill No. 177** -- Domestic Violence - Clarifies that victim does not include person adjudged to be primary aggressor by law enforcement officer. Amends TCA Title 36, Chapter 3, Part 6. by \*Fowler. (HB394 by \*Chumney, \*Turner (Hamilton))

Further consideration of Senate Bill No. 177 previously considered on today's Calendar.

Rep. Chumney moved that Senate Bill No. 177 be passed on third and final consideration.

On motion, Rep. Chumney withdrew Children and Family Affairs Committee Amendment No. 2.

Rep. Chumney moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 177 by adding the following as a new, appropriately designated section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 36-3-601(3)(E), is amended by adding the following language after the first sentence:

In such counties, "court" also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing any order of protection pursuant to this part when a judge of one of the courts listed in subdivision (3)(A), (B) or (C) is not available.

AND FURTHER AMEND by adding the following as a new, appropriately designated section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 36-3-601(3)(E), is further amended by adding the following language at the end of such subdivision after the language "or support.":

(F) Any appeal from a final ruling on an order of protection by a general sessions court or by any official authorized to issue an order of protection under this subdivision shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten (10) days and shall be heard de novo.

On motion, Amendment No. 3 was adopted.

Rep. Chumney moved that **Senate Bill No. 177**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.



## THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY

**House Bill No. 1200** -- Election Laws - Revises certain qualifying deadlines for candidates in elections for county office. Amends TCA Section 2-5-101. by \*Armstrong. (\*SB818 by \*Davis L)

Further consideration of House Bill No. 1200 previously considered on today's Calendar.

Rep. Armstrong moved that House Bill No. 1200 be reset for the Regular Calendar on April 11, 2001, which motion prevailed.

### UNFINISHED BUSINESS

#### RULES SUSPENDED

Rep. Westmoreland moved that the rules be suspended for the purpose of introducing House Resolution No. 49 out of order, which motion prevailed.

**House Resolution No. 49** -- Memorials, Recognition - Thomas William Archer. by \*Westmoreland.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Westmoreland, the resolution was adopted.

A motion to reconsider was tabled.

### BILLS WITHDRAWN

On motion of Rep. Patton, **House Bill No. 1029** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Patton, **House Bill No. 1315** was recalled from the Conservation and Environment Committee and withdrawn from the House.

On motion of Rep. Maddox, **House Bill No. 469** was recalled from the Children and Family Affairs Committee and withdrawn from the House.

On motion of Rep. Maddox, **House Bill No. 1692** was recalled from the State and Local Government Committee and withdrawn from the House.

### NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 9, 2001:

**Senate Bill No. 1352:** by Rep. Montgomery

**House Bill No. 130:** by Rep. Odom

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 92:** Rep(s). Langster as first prime sponsor(s).

**House Bill No. 181:** Rep(s). Chumney as prime sponsor(s).

**House Bill No. 227:** Rep(s). Todd as prime sponsor(s).

**House Bill No. 291:** Rep(s). Curtiss as prime sponsor(s).

**House Bill No. 371:** Rep(s). Bunch as prime sponsor(s).

**House Bill No. 518:** Rep(s). Boyer as prime sponsor(s).

**House Bill No. 574:** Rep(s). West as prime sponsor(s).

**House Bill No. 745:** Rep(s). Pinion as prime sponsor(s).

**House Bill No. 746:** Rep(s). J. DeBerry, U. Jones, Armstrong, Towns, Brown, Cooper, Turner (Shelby) and Miller as prime sponsor(s).

**House Bill No. 786:** Rep(s). Pinion as prime sponsor(s).

**House Bill No. 908:** Rep(s). Bunch as prime sponsor(s).

**House Bill No. 909:** Rep(s). Bunch as prime sponsor(s).

**House Bill No. 910:** Rep(s). Bunch as prime sponsor(s).

**House Bill No. 911:** Rep(s). Bunch as prime sponsor(s).

**House Bill No. 983:** Rep(s). Bowers as prime sponsor(s).

**House Bill No. 1028:** Rep(s). Bunch as prime sponsor(s).

**House Bill No. 1169:** Rep(s). Walker as prime sponsor(s).

**House Bill No. 1170:** Rep(s). Walker as prime sponsor(s).

**House Bill No. 1342:** Rep(s). Winningham as prime sponsor(s).

**House Bill No. 1460:** Rep(s). Winningham as prime sponsor(s).

**House Bill No. 1462:** Rep(s). Winningham as prime sponsor(s).

**House Bill No. 1510:** Rep(s). Windle as prime sponsor(s).

**House Bill No. 1511:** Rep(s). Windle as prime sponsor(s).

**THURSDAY, APRIL 5, 2001 – TWENTY-FOURTH LEGISLATIVE DAY**

**House Bill No. 1513:** Rep(s). McKee and Hagood as prime sponsor(s).

**House Bill No. 1670:** Rep(s). Naifeh and Todd as prime sponsor(s).

**House Bill No. 1703:** Rep(s). Armstrong as prime sponsor(s).

**House Bill No. 1927:** Rep(s). Bowers as prime sponsor(s).

**House Bill No. 1935:** Rep(s). Walker as prime sponsor(s).

**MESSAGE FROM THE SENATE  
April 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 191; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
April 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 213; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS  
April 5, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 187, 190, 192, 193, 194 and 195.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1958; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE  
April 5, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 27.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 508, 1196 and 1639; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 508** -- Barbers - Revises certain provisions for barbers. Amends TCA Title 62, Chapter 3, Part 1. by \*Haun. (\*HB212 by \*Ford S)

**\*Senate Bill No. 1196** -- Massage - Revises license requirements for massage therapists to accept competency examinations approved by massage licensure board; deletes grandfather licensure provisions. Amends TCA Title 63, Chapter 18, Part 2. by \*Cooper J. (HB1796 by \*Arriola)

**Senate Bill No. 1639** -- Commerce and Insurance, Dept. of - Authorizes commissioner or designee to suspend, revoke, or refuse to renew license of health club; allows commissioner or designee to assess civil penalty up to \$1000 for violations by health club; grants to commissioner authority to promulgate rules and regulations upon health clubs. Amends TCA Title 47, Chapter 18, Part 3. by \*Burchett, \*Clabough. (\*HB1362 by \*Walker , \*Ford S)

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 175 and 185; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1949, 1973, 1974, 1975 and 1977; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**April 5, 2001**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 288, 682, 861, 1037, 1735, 1852, also, House Joint Resolution(s) No(s). 72.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 194, 837, 1285, 1629, 1644, 1858; also, Senate Joint Resolution(s) No(s). 35, 85, 138, 139, 152, 154 and 157 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**April 5, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 194, 837, 1285, 1629, 1644, 1858; also, Senate Joint Resolution(s) No(s). 35, 85, 138, 139, 152, 154 and 157.

**ENROLLED BILLS**

**April 5, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 213, 1949, 1958, 1973, 1974, 1975, 1977; House Joint Resolution(s) No(s). 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 175, 185, 191; also, House Resolution(s) No(s). 41 and 49.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 5, 2001**

The Speaker signed the following: House Bill(s) No(s). 213, 1949, 1958, 1973, 1974, 1975, 1977; House Joint Resolution(s) No(s). 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 175, 185, 191; also, House Resolution(s) No(s). 41 and 49.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 213, 1949, 1958, 1973, 1974, 1975, 1977; also, House Joint Resolution(s) No(s). 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 175, 185, 191; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 5, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1981; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**CONSENT CALENDAR**

**April 5, 2001**

The following local bills have been placed on the Consent Calendar for **April 9, 2001**:  
House Bill(s) No(s). 1979, 1982, 1983, 1984 and 1986.

**ROLL CALL**

The roll call was taken with the following results:

Present .....94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 5:00 p.m., Monday, April 9, 2001.